

## REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Applicant's' remarks after Final are appropriate under 37 C.F.R. §1.116 because they address the Office's remarks in the Final Action, and thus could not have been presented earlier. In addition, Applicant respectfully requests that the amendments and remarks be entered to place the application in condition for allowance or in better form for appeal.

Claims 1-45 were pending in the application and claims 1-16 and 18-45 are now pending. Claims 1, 3, 5, 6, 9, 16, 24, 26, 29, 32, 33, 35 and 39 are amended herein and claim 17 has been canceled. Support for the claim amendments and additions can be found in the original disclosure. No new matter has been added.

### § 103 REJECTIONS

Claims 1, 5, 7-15, 26-27, 32 and 34 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Publication No. 2004/0249965 to Huggins et al. (hereinafter "Huggins") in view of U.S. Patent No. 6,041,354 to Biliris et al. (hereinafter "Biliris").

Claims 16-20 and 22-25 stand rejected under 35 U.S.C. § 103(a) as being obvious over Huggins-Biliris, and in view of U.S. Publication No. 2001/0047516 to Swain et. al. (hereinafter "Swain").

Claims 2-4, 28, 33, 35-36 and 38-40 stand rejected under 35 U.S.C. § 103(a) as being obvious over Huggins-Biliris, and in view of U.S. Publication No. 2003/0088778 to Lindqvist et al. (hereinafter “Lindqvist”).

Claims 29-31, 37 and 41-45 stand rejected under 35 U.S.C. § 103(a) as being obvious over Huggins-Biliris-Swain, and in view Lindqvist.

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being obvious over Huggins-Biliris, and in view of U.S. Publication No. 2006/0031557 to Walsh et. al. (hereinafter “Walsh”).

Claim 21 stands rejected under 35 U.S.C. § 103(a) as being obvious over Huggins-Biliris-Swain, and in view of Walsh.

For the reasons set forth below, it is further respectfully submitted that the cited references, either alone or in combination, do not show or suggest the rejected claims. Accordingly, Applicant respectfully requests that the §103 rejections be reconsidered and withdrawn, and that the case be passed along to issuance.

**Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)**

Applicant respectfully disagrees with the obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met.

### **Based upon Huggins and Biliris**

Claims 1, 5, 7-15, 26-27, 32 and 34 were rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Huggins and Biliris. Applicant respectfully traverses the rejection of these claims and requests that the rejections of these claims be reconsidered and withdrawn.

#### **Amended Independent Claim 1**

Applicant submits that the combination of Huggins and Biliris does not render this claim obvious because it does not teach or suggest the following elements as recited in this claim (with emphasis added):

- “scheduling, with the computer, a recording of the multimedia content in the stream from the content server at the designated URL **at the user specified future time frame;**”
- “**saving** the multimedia content in a system memory of the computer **during the user specified future time frame.**”

#### **Amended Independent Claim 26**

Applicant submits that the combination of Huggins and Biliris does not render this claim obvious because it does not teach or suggest the following elements as recited in this claim (with emphasis added):

- “means for scheduling a recording of the multimedia content in the stream at the user specified time;”
- “means for receiving the multimedia content in the stream from the server device **at the user specified future time;**”

### **Amended Independent Claim 32**

Applicant submits that the combination of Huggins and Biliris does not render this claim obvious because it does not teach or suggest the following elements as recited in this claim (with emphasis added):

- “schedule a recording of the multimedia content in the stream on the user computer at the user specified time frame at the URL;”
- “receive, on the user computer, the multimedia content in the stream from the content server **at the user specified future time frame**”

The rejection indicates (*Office Action* September 23, 2008, p. 2-7) the following with regard to independent claims 1, 26 and 32:

“Regarding claim 1, Higgins discloses ... scheduling with the computer from the content server at the designated URL at the specified time.... Higgins does not specifically disclose... a recording of the multimedia content; saving the multimedia content in a system memory of the computer during the specified time frame. However, Biliris...discloses recording of continuous media and a specified time period.”

“Regarding claim 26, Huggins-Biliris further discloses ... means for scheduling ... of the multimedia content in the stream at the specified time.”

“Regarding claim 32, Huggins-Biliris further discloses...schedule ... multimedia content in the steam on the user computer at the specified time frame at the URL.”

In response, Applicant respectfully submits that both Huggins and Biliris fail to teach or suggest, alone or in combination, each and every element and feature as recited in amended claims 1, 26 and 32, particularly those emphasized above. Although Huggins describes delivering multimedia content from a server in response to user generated requests, Huggins does not describe scheduling recording of the content on the user computer and then receiving on the user computer, the multimedia content at the user specified future time frame, as recited in amended claims 1, 26 and 32. Further, Biliris does not correct these deficiencies of Huggins, relative to the aforementioned independent claims. Rather, Biliris describes storing content on an edge server in response to user requests, but likewise does not describe receiving on the user computer, the multimedia content at the user specified future time frame, as recited in claims 1, 26 and 32 (Emphasis Added). Thus none of the cited references (either alone or in combination) teach or suggest all the elements as claimed in amended claims 1, 26 and 32.

Accordingly, it is respectfully submitted that amended claims 1, 26 and 32 are patentable over the Huggins and Biliris combination for the reasons previously described. Applicant respectfully requests that the §103 rejection be reconsidered and withdrawn.

**Dependent Claims 5–15, 27 and 34**

Dependent Claims 5, 7-15, 27 and 34 are patentable over the proposed combination of references by virtue of their dependency upon amended claims 1, 26 and 32 (either directly or indirectly). It is axiomatic that any dependent claim which depends from a patentable base claim is also patentable over such references. Accordingly, Applicant requests that the rejection under 35 U.S.C. §103 be reconsidered and withdrawn.

### **Based upon Huggins, Biliris and Swain**

Claims 16-20 and 22-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Huggins-Biliris and in view of Swain. Applicant respectfully traverses the rejection of these claims and requests reconsideration and withdrawal of the rejection of these claims.

### **Amended Independent Claim 16**

Applicant submits that the combination of Huggins-Biliris-Swain does not render this claim obvious because it does not teach or suggest the following elements as recited in this claim (with emphasis added):

- “enabling a user to schedule a recording of a multimedia content in a stream on a computer at a specified future time frame and at a designated uniform resource locator (URL);”
- “recording the multimedia content in the stream with the scheduled recording task based on the specified quality of the multimedia content and the specified future time frame;”

It is respectfully submitted that Huggins and Biliris and Swain fail to teach or suggest, alone or in combination, each and every element and feature as recited in amended claim 16. For example, Huggins and/or Biliris and/or Swain do not teach or suggest “enabling a user to schedule a recording of a multimedia content in a stream on a computer at a specified future time frame;” and “recording the

multimedia content in the stream ... based on the specified quality of the multimedia content and specified future time frame” as recited in claim 16.

Although Huggins describes delivering multimedia content from a server in response to user generated requests, Huggins does not describe “enabling a user to schedule a recording of a multimedia content in a stream on a computer at a specified future time frame,” or “recording the multimedia content in the stream with the scheduled recording task based on the specified quality of the multimedia content and specified future time frame” as recited in amended claims 16 (Emphasis Added). Further, Biliris does not correct such deficiencies of Huggins, with respect to claim 16. Biliris describes storing data on a server in response to commands from a user computer, but does not describe enabling a user to schedule a recording at a specified future time as recited in claim 16. Further still, Swain does not correct the deficiencies of the Biliris-Huggins combination. More particularly, Swain describes providing the user with detailed information about the recording in progress, but does not describe enabling a user to schedule a recording... at a specified future time frame, or recording based on the specified quality of the multimedia content and the specified future time” as recited in claims 16. Thus none of the cited references (either alone or in combination) teach or suggest all the elements as recited in amended claim 16.

Accordingly, amended claims 16 is patentable over the Huggins and Biliris and Swain combination for at least the reasons described above, and Applicant respectfully requests that the §103 rejection be reconsidered and withdrawn.

**Dependent Claims 18-23 and 25** are patentable over the proposed combination of references by virtue of their dependency upon claim 16 (either directly or indirectly). Accordingly, the §103 rejection should be withdrawn. Accordingly, Applicant requests that the rejection under 35 U.S.C. §103 be reconsidered and withdrawn.

**Dependent Claim 24** are patentable over the proposed combination of references by virtue of their dependency upon claim 16 which is patentable over the combination of Biliris, Huggins and Swain for at least the reasons described above in response to the §103 rejection of claim 16. Additionally, claim 24 is patentable over the combination of Biliris, Huggins and Swain for independent reasons. For example:

**Claim 24** recites:

“24. The computer-implemented method as recited in Claim 16, further comprising:

enabling the user to access the recorded multimedia content stream if the multimedia content in the stream is successfully recorded; and

automatically rescheduling the recording of the multimedia content in the stream to a future time if the multimedia content stream is unsuccessfully recorded.”

Huggins – Biliris combination describes recording multimedia content. The Huggins – Biliris combination does not show or suggest the features, as recited in claim 16 (See argument regarding claim 16). In addition, the Swain reference does not correct the deficiencies of the Huggins-Biliris combination. Swain describes enabling a user to reschedule recording of multimedia content, but does not describe automatically rescheduling recording of multimedia content in the stream as recited in claim 24 (Emphasis Added). Accordingly, Applicant submits that amended claim



24 is patentable over Swain, in view of the Huggins – Biliris combination and requests that the rejection under 35 U.S.C. §103 be reconsidered and withdrawn.

**Based upon Huggins, Biliris and Lindqvist**

Claims 2-4, 28, 33, 35-36 and 38-40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Huggins-Biliris and in view of Lindqvist. Applicant respectfully traverses the rejection of these claims and requests the rejection be reconsidered and withdrawn.

**Amended Independent Claim 35**

Applicant submits that the combination of Huggins-Biliris-Lindqvist does not render this claim obvious because it does not teach or suggest the following elements as recited in this claim (with emphasis added):

- “schedule a recording of the multimedia content in the stream with a recording service at a future specified time based on a time provided by a user,”

Huggins and Biliris and Lindqvist fail to teach or suggest, alone or in combination, each and every element and feature as recited in amended claim 35. For example, Huggins and/or Biliris and/or Lindqvist do not teach or suggest scheduling a recording of the multimedia content with a recording service at a future specified time based on a time provided by a user, as recited in claim 35.

Although Huggins describes delivering multimedia content from a server in response to user generated requests, Huggins does not describe scheduling “with a

recording service at a future specified time based on a time provided by a user,” as recited in amended claim 35. Further, Biliris does not correct the deficiencies of Huggins. More particularly, Biliris describes storing content on a server in response to requests for content from a computer, but likewise does not describe recording of the multimedia content with a recording service at a future specified time based on a time provided by a user as recited in claim 35. Further still, Lindqvist does not correct the deficiencies of the Biliris-Huggins combination. In particular, Lindqvist describes encrypting content using DRM, but also does not describe recording of the multimedia content with a recording service at a future specified time based on a time provided by a user as recited in claim 35. Thus none of the cited references teach this element as claimed.

Accordingly, amended claim 35 is patentable over the Huggins and Biliris and Lindqvist combination for at least the reasons described above, and Applicant respectfully requests that the §103 rejection be reconsidered and withdrawn.

**Dependent Claims 36 and 38-40** are patentable over the proposed combination of references by virtue of their dependency upon claim 35 (either directly or indirectly). Accordingly, Applicant submits that the rejection under 35 U.S.C. §103 should be reconsidered and withdrawn.

**Dependent Claims 2-4, 28 and 33** are patentable by virtue of their dependency upon claims 1, 26, and 32 which is allowable over Huggins-Biliris for at least the reasons described above in response to the rejection under 35 U.S.C. §103 of claims 1, 26 and 32. Claims 2-4, 28, and 33 are also patentable over the

Huggins-Biliris-Lindqvist combination because Huggins and/or Biliris and/or Lindqvist do not address the deficiencies as described above in the response to the rejection of claim 35.

**Based upon Huggins, Biliris, Swain and Lindqvist**

Claims 29-31, 37 and 41-45 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Huggins-Biliris-Swain and in view of Lindqvist. Applicant respectfully traverses the rejection of these claims and requests withdrawal of the rejection of these claims.

**Amended Independent Claim 29**

Applicant submits that the combination of Huggins-Biliris-Swain- Lindqvist does not render this claim obvious because it does not teach or suggest the following elements as recited in this claim (with emphasis added):

- “means for requesting to and receiving from a content server via a network the broadcast multimedia content in the stream **at the user specified time**, wherein the network includes a network bandwidth;”
- “means for **automatically rescheduling the recording service to perform the scheduled recording task if the network bandwidth does not permit recording** of the multimedia content in the stream at the specified quality at the user specified time;”

Huggins and Biliris and Swain and Lindqvist fail to teach or suggest, alone or in combination, each and every element and feature as recited in amended claim 29, particularly those emphasized above.

Huggins describes delivering multimedia content from a server in response to user generated requests, but do not teach or suggest the missing claim 29 elements. Further, Biliris does not correct the deficiencies of Huggins, with respect to claim 29. Biliris describes storing content on an edge server in response to user requests, but do not teach or suggest the missing claim 29 elements. Further still, Swain does not correct the deficiencies of the Biliris-Huggins combination. Swain describes providing a screen view of a cache of broadcasts recorded or being recorded, but does not teach or suggest the missing claim 29 elements. Lindqvist does not correct the deficiencies of the Biliris-Huggins-Swain combination. Lindqvist describes encrypting content using DRM, but likewise does not teach or suggest the missing claim 29 elements. Thus none of the cited references (either alone or in combination) teach or suggest all the elements as recited in amended claim 16.

Accordingly, amended claim 29 is patentable over the Huggins and Biliris and Swain and Lindqvist combination for at least the reasons described above, and Applicant respectfully requests that the §103 rejection be reconsidered and withdrawn.

**Dependent Claims 30-31** are patentable over the proposed combination of references by virtue of their dependency upon claim 29 (either directly or

indirectly). Accordingly, Applicant requests that the rejection under 35 U.S.C. §103 be reconsidered and withdrawn.

**Dependent Claims 37 and 41-45** are patentable by virtue of their dependency upon claim 35 which is patentable over Huggins-Biliris-Lindqvist for at least the reasons described above in response to the rejection under 35 U.S.C. §103 of claim 35. Claims 37 and 41-45 are also patentable over the Huggins-Biliris-Swain-Lindqvist combination because Huggins and/or Biliris and/or Swain and/or Lindqvist do not address the deficiencies as described above in the response to the rejection of claim 29. Accordingly, Applicant requests that the rejection under 35 U.S.C. §103 be reconsidered and withdrawn.

CONCLUSION

For at least the foregoing reasons, it is respectfully submitted that claims 1-16 and 18-45 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and an early notice of allowance.

The arguments and amendments presented herein were necessitated by the most recent Office Action, and could not have been presented previously because the final Office Action rejected claims based on new art not previously of record.

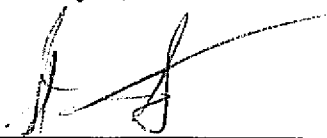
If any issue remains unresolved that would prevent allowance of this case, **Applicant requests that the Examiner contact the undersigned attorney to resolve the issue.**

Respectfully Submitted,

Lee & Hayes, PLLC

Dated: 1/23/09

By: \_\_\_\_\_

  
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